

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BECKLEY DIVISION**

**JAMES RIVER EQUIPMENT, VIRGINIA, LLC,**

**Plaintiff,**

**v.**

**Civil Action No. 5:13-cv-28160  
Honorable Irene C. Berger**

**JUSTICE ENERGY COMPANY, INC.,**

**Defendant.**

**DEFENDANT JUSTICE ENERGY COMPANY, INC.'S  
STATUS REPORT WITH REGARD TO SANCTION PAYMENT**

Defendant, Justice Energy Company, Inc., by counsel, John F. Hussell, IV, Andrew L. Ellis, John D. (Jody) Wooton, Jr., and the law firm of WOOTON, DAVIS, HUSSELL & ELLIS, PLLC, submits its Status Report with Regard to Sanction Payment in response to the Court's Order of October 3, 2018 (Document 104). As noted in the Order, Justice Energy appealed the Court's Order (Document 67) imposing sanctions in the amount of \$1,230,000 and the Memorandum Opinion and Order (Document 72) denying its motion to alter or amend the judgment. The Fourth Circuit dismissed the appeal as interlocutory (Document 86). Thereafter, Defendant requested that this Court issue a judgment order pursuant to the Fed. R. Civ. p. 58 rendering the sanction final and appealable (Document 92). Defendant entered a Notice of Appeal (Document 97) on February 28, 2018. The Fourth Circuit affirmed the ruling and entered a *Per Curium* Opinion (Document 100) entered August 17, 2018. As Defendant disputes

the sanction and is within the allowable timeframe for filing a petition for writ of *certiorari* with the Supreme Court of the United States, it has not tendered payment to the United States.

**JUSTICE ENERGY COMPANY, INC.,**

**BY COUNSEL,**

/s/ Andrew L. Ellis

John F. Hussell, IV - WV Bar No. 6610

John D. (Jody) Wooton, Jr. – WV Bar No. 10512

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**CERTIFICATE OF SERVICE**

John F. Hussell, IV, Andrew L. Ellis, John D. (Jody) Wooton, Jr., and the law firm of WOOTON, DAVIS, HUSSELL & ELLIS, PLLC, hereby certifies that the “**Defendant Justice Energy Company, Inc.’s Status Report with Regard to Sanction Payment**” was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

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Fred B. Westfall, Jr., Esquire  
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P.O. Box 1713  
Charleston, WV 25326  
*Counsel for the United States*

Done this 18th day of October, 2018.

/s/ Andrew L. Ellis

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Andrew L. Ellis – WV Bar No. 10618